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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,664	10/05/2005	Seiji Kiriya	09867/0203329-US0	7179
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DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER RENWICK, REGINALD A	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			01/29/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/547,664

**Applicant(s)**

KIRIYAMA ET AL.

**Examiner**

REGINALD A. RENWICK

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ejection port located on the first side wall must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Keiji (JP 2003-024512 as disclosed by Applicant).

Re claims 1 and 6: Keiji discloses a medal collecting tray (Fig. 6: object 23b) comprising:

a bottom wall on which medals are accumulated;

side and a rear walls surrounding three sides of the bottom wall (Fig. 6: 25c and 27;

Para. 0018 and 0027 in translated copy);

and a protrusion (Fig. 6: 25c) for regulating accumulation of medals along a rear wall, in which the protrusion is located above a bottom wall 27 and below a rear wall 25b so as to be separate from the bottom wall, wherein the protrusion is tapered in the vertical direction from a base portion joined to the rear wall toward a tip, as it becomes progressively smaller at the top of the protrusion so that medals ejected from the medal ejection port fall on a tapered portion of the protrusion portion (Fig. 6: 25c).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiji (JP 2003-024512 as disclosed by Applicant).

Re claim 2: The Applicant has stated within the specifications that the medal ejection port can be located within the rear wall:

"[0008] In the medal tray of the invention, a medal ejection port may be provided in the rear wall, and the protrusion portion may be disposed between the medal ejection port and the bottom wall. In this case, since the protrusion portion is interposed between the medal ejection port and the bottom wall, closing of the medal ejection port with medals on the bottom wall is suppressed. "

In addition, Applicant expresses the same intent for the medal ejection port to be located in the rear wall in paragraph 0072 and Figures 17 and 18. Keiji discloses that the rear wall is provided with a medal ejection port (Figure 1: object 21). Because Applicant discloses that the rear wall is a suitable location for the medal ejection port, it

would have been obvious to one skilled in the art as a matter of design choice to change the location of the medal ejection port of Keiji from the rear wall to the side wall, as it does not effect the functionality of the medal tray.

Re claim 3: Keiji discloses within Fig. 6 that the corner between the rear wall and bottom wall is curved. Keiji also discloses within Figures 5, 8, 9, 11, 12, and 13 the presence of a curved wall.

### ***Response to Arguments***

Applicant's arguments filed 10/05/2005 have been fully considered but they are not persuasive.

6. The Applicant has also argued that 25c of Keiji does not teach a protrusion portion "so that medals ejected from the medal ejection port fall on a tapered portion of the protrusion portion." Instead the Applicant identifies 25c as a separation acceleration part. The examiner believes this is not true as object 25c clearly protrudes away from the rear wall and is between the ejection port and the bottom wall of the tray. As shown by the figures in Keiji the protrusion part prevents the collection of medals on the bottom of the tray, where according to the pictures no coins fall within the corner beneath the protrusion.

The Applicant has also argued against the 103 rejection made in which they state that under the corrected specifications, there is no basis for a design choice rejection.

However, the design choice rejection was made using the previous specifications for rationale. The examiner can not presume the correctness of the specifications and must use the words as presented for proper examination. A changed specification that changes the scope of the original specifications is new matter, and cannot be entered.

However, even if entered the specifications would not overcome the design choice rejection, because the specifications do not provide an added benefit to the placement of the ejection port that is not readily available to one of ordinary skill in the art. Clearly, placing the ejection port either on the rear wall, as shown in Keiji, or on the side wall, as in the instant application, prevents coins from collecting on the rear wall.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A. R./  
Examiner, Art Unit 3714

/Corbett Coburn/  
Primary Examiner  
AU 3714